



**Chairperson: Bob Wyatt, NW Natural**  
**Treasurer: Fred Wolf, Legacy Site Services for Arkema**

May 5, 2010

Chip Humphrey  
Eric Blischke  
U.S. Environmental Protection Agency, Region 10  
805 SW Broadway, Suite 500  
Portland, OR 97205

**Re: Response to EPA PRG Comments Dated April 21, 2010 (Lower Willamette River,  
Portland Harbor Superfund Site, USEPA Docket No: CERCLA-10-2001-0240)**

Chip and Eric:

The LWG has reviewed EPA's PRG April 21, 2010 comments. We have no further response except with respect to the following comment:

***EPA Comment: Benthic PRGs, fifth bullet in that section - The sediment toxicity LOE will include level 2 (moderate) and level 3 (severe) effects for all four endpoints (chironomus biomass and mortality and hyalella biomass and mortality).***

**LWG Response:** Jim McKenna of the LWG discussed this comment verbally with Eric Blischke of EPA on April 28, 2010. At that time it is our understanding that Eric clarified that EPA thinks the Level 2 endpoints (including the Hyalella biomass endpoint) represent "hits", and should be carried through the conclusion of the FS.

The LWG disagrees on a technical basis that Level 2 endpoints or the Hyalella biomass Level 2 or 3 endpoints reliably represent toxicity in study area sediments. The LWG has indicated this to EPA consistently in the past, most recently demonstrating the unreliability of Level 2 SQGs as predictors of CERCLA-related toxicity in the draft BERA (Windward 2009a), benthic reanalysis technical memorandum (Windward 2009b) and the individual endpoints technical memorandum (Windward 2010).

EPA review and comment on methods to assess risks to the benthic community are still underway, and the LWG is awaiting EPA's comments on the draft BERA and benthic reanalysis and individual endpoints technical memos. Consequently, we believe it is premature for EPA to direct LWG on the use of these endpoints in the FS.

In light of this pending information, the LWG proposes to not further delay the start of the FS and instead proceed with the FS screening of alternatives in absence of any formal agreement on the use of these endpoints. In the FS screening of alternatives, the LWG agrees to use EPA July 2009 reference envelope values, as previously directed by EPA. LWG will provide its technical analysis at the time of the screening of alternatives check-in, which will include a weight of

evidence analysis that should be accorded to Level 2 endpoints and the Hyaella biomass endpoint. If EPA and the LWG continue to disagree on use of the Level 2 endpoints and the Hyaella biomass endpoint after the check-in, we can dispute the issue at that time.

If EPA does not accept this path, we respectfully dispute.

Sincerely,



Bob Wyatt

cc:     Confederated Tribes and Bands of the Yakama Nation  
          Confederated Tribes of the Grand Ronde Community of Oregon  
          Confederated Tribes of Siletz Indians of Oregon  
          Confederated Tribes of the Umatilla Indian Reservation  
          Confederated Tribes of the Warm Springs Reservation of Oregon  
          Nez Perce Tribe  
          Oregon Department of Fish & Wildlife  
          United States Fish & Wildlife  
          Oregon Department of Environmental Quality  
          LWG Legal  
          LWG Repository

References:

Windward. 2009a. Portland Harbor RI, Appendix G: Baseline ecological risk assessment. Draft. Prepared for the Lower Willamette Group. Windward Environmental LLC, Seattle, WA.  
Windward. 2009b. Portland Harbor RI/FS. Technical memorandum: Benthic toxicity reanalysis technical memorandum. Draft. Prepared for the Lower Willamette Group. Windward Environmental LLC, Seattle, WA.  
Windward. 2010. Portland Harbor RI/FS. Site-specific SQGs based on individual bioassay endpoints. Draft. Prepared for the Lower Willamette Group. Windward Environmental LLC, Seattle, WA.